

Item #63: Forest Planning Responsiveness to Public Issues & Concerns

Purpose: This monitoring item was established to evaluate whether the Forest Plan is responsive to current and emerging public issues and concerns.

Methods: Monitoring of this item is a non-statistical assessment. Data sources include public comment, amendments to the Forest Plan, administrative appeals to proposed projects, and litigation.

Forest Plan Revision

The process and schedule for updating or revising Forest Plans was established by the National Forest Management Act. A Forest Plan is normally revised every 10 to 15 years, and may be amended at any time. Monitoring results are normally reviewed every 5 years. The review should "...determine whether conditions or demands of the public have changed significantly" which would result in the need to change the Forest Plan. The Flathead National Forest is currently in the process of revising its Forest Plan. In 2004 it had closed the scoping process for the revised plan and was in the process of analyzing the approximately 2,900 comments it had received. Before we could finish the process of revising the Forest Plan, however, the 2005 Planning Rule was promulgated changing some of the governing standards. Thus, after reworking the draft Forest Plan under the direction of the 2005 rule, on May 5, 2006, the Forest Service issued a draft revised Forest Plan for public comment. The Forest Service extended the 90-day comment period by 30 days, and closed comments on September 7, 2006. The then-governing 2005 rule was subject to litigation, however, and on March 30, 2007, before the revised Forest Plan was finalized, the Northern District of California held that the 2005 rule was promulgated in violation of the APA, NEPA, and the Endangered Species Act, and enjoined the Department of Agriculture from implementing the 2005 rule. *Citizens for Better Forestry v. U.S. Dept. of Agriculture*, 481 F. Supp. 2d 1059, 1098 (N.D.Cal. 2007). In response, the Department of Agriculture withdrew the 2005 rule. The Flathead National Forest therefore was once again faced with a draft Forest Plan based on a withdrawn rule. US District Court for the District of Northern California overturns the 2008 NFMA Planning Rule. As an interim measure, Forest Service returns to the transition provisions of the 2000 rule which allow continued use of 1982 rule procedures for revisions and amendments. Forest Service issued a Notice of Intent to prepare an environmental impact statement for a new planning rule (12/2009), starting a new planning rule revision effort. As an interim measure, the Department republishes the 2000 rule as amended in the Federal Register in order to make it available to the public in the Code of Federal Regulations.

The Flathead National Forest currently anticipates completing revision of its Forest Plan by September 30, 2015.

Forest Plan Amendments

Since its approval in 1986, 25 Forest Plan amendments have been adopted including three amendments that are Regional in scope (Interim Strategies for Managing Fish-producing Watersheds [INFISH], Tri-State OHV Amendment, Northern Rockies Lynx Amendment). Table 63 provides a brief description and completion date for each of these amendments.

Table 63-1. Flathead Forest Plan Amendments

AMENDMENT	DESCRIPTION	DATE ADOPTED
#1 - Wild and Scenic River Management Direction	Amended the recreation management direction for Wild, Scenic, and Recreational River segments (MA-18) by establishing Limits of Acceptable Change criteria for protection of river attributes.	Adopted 3/11/86
#2 - Wilderness Management Direction	Amended recreation management direction for the Bob Marshall/ Great Bear/ Scapegoat Wilderness complex by adding Limits of Acceptable Change criteria for protection of the wilderness attributes (Flathead, Lewis & Clark, Helena, and Lolo National Forests).	Adopted 4/1/87
#3 - Westslope Cutthroat and Bull Trout Standards	Amendment in response to Chief's decision. Decision amended bull trout standards, assigns westslope cutthroat trout streams to MA 12 and added new cutthroat standards.	Adopted 2/27/90 Appealed 4/12/90 Affirmed 7/2/90
#4 - Westslope Cutthroat Trout Research Needs	In response to Chief's decision, added research needs related to westslope cutthroat trout.	Adopted 2/27/90
#5 - Revegetation of Non-System Roads	Amendment in response to Chief's direction to provide for revegetation of non-system roads. Added standard that non-system roads be revegetated within 10 years.	Adopted 4/26/89
#6 - ORV Monitoring	In response to Chief's decision, amended Plan to add ORV use to monitoring requirements.	Adopted 4/26/89
#7 - Clarify MA-2A ORV Management Direction	Amendment in response to Chief's decision to review resource damage in MA-2A areas caused by ORV's and clarify Plan direction.	Draft 12/12/88 Not completed
#8 - Clarify Standards NOT Discretionary	Amendment in response to Chief's direction. Reworded general standard #1 to state standards (including T&E species) are not discretionary.	Adopted 7/31/89
#9 - Interagency Grizzly Bear Guidelines	Amendment in response to Chief's decision. Added Interagency Grizzly Bear Guidelines as Appendix OO.	Adopted 7/31/89 Appealed 9/14/89 Affirmed 4/17/90
#10 - Open Road Density Standards	Amendment in response to Chief's decision to clarify density of 1 mi/mi ² in MS 1. Amendment proposed to apply 1 mi/mi ² in MS 1 and 2 mi/mi ² in MS 2. Decision appealed and rescinded. New DEIS prepared; FEIS delayed pending completion by the USFWS of the draft Grizzly Bear Recovery Plan. Superseded by Amendment #19.	Adopted 7/31/89 Appealed 9/13/89 Rescinded DEIS 12/90 FEIS Delayed 3/92 Not completed
#11 - Standards for Consultation with U.S. Fish and Wildlife Service	Amendment in response to Chief's decision to clarify consultation process. Added language regarding when consultation is to take place.	Adopted 7/31/89
#12 Gray Wolf Management Direction	Amendment in response to Chief's direction to review timing restriction and add wolf recovery plan. Added wolf recovery plan as Appendix PP.	Adopted 7/31/89
#13 Bald Eagle & Peregrine Falcon Recovery Plans	Amendment in response to Chief's direction. Amended bald eagle habitat standards and added recovery plans as Appendices QQ, RR, and SS.	Adopted 7/31/89
#14 - MA 16	Amendment in response to Chief's direction to	

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Management Direction	clarify MA 16 intent to use only roadless logging methods. Amended MA 16 language.	Adopted 2/27/90
#15 - Sensitive Plants	Amendment in response to Chief's direction. Amended Forest Plan standard and the list of sensitive plant species to agree with the list approved by the Regional Forester in 1991.	Adopted 11/12/91
#16 - Old Growth Management Indicator Species Standards	Amendment in response to Chief's direction to document additional analysis of habitat requirements, and the distribution of habitat, for pine marten, barred owls, and pileated woodpeckers. Proposed additional standards to ensure that the species will remain well distributed throughout the Forest. FEIS not completed.	Draft EA 3/9/90 DEIS 6/92 Not completed
#17 - Weed Management in the Bob Marshall Wilderness Complex	Amended standard to implement an integrated pest management approach to weed management in the Bob Marshall Wilderness Complex (Flathead, Helena, Lewis and Clark, and the Lolo National Forest Plans).	Adopted 5/17/93
#18 - ASQ Partitioning	Regional Forester's decision to separate the ASQ into two non-interchangeable components for the purposes of programming and monitoring: one component from roaded areas, the other from inventoried roadless areas. The decision did not change the total ASQ.	Adopted 3/12/91 Appealed 7/15/91 Withdrawn 10/4/91
#19 - ASQ, Objectives and Standards for Grizzly Bear Habitat Management	Amendment in response to July 5, 1994 court order. Flathead National Forest formally consulted with the USFWS. Forest Plan direction was amended to ensure compliance with the Endangered Species Act, by amending forest-wide objectives and standards for grizzly bear habitat and timber management, and recalculating the maximum amount of timber we can offer for sale during the planning period 1995 to 1999.	Final EA/DN 3/1/95 Appealed 4/19/95 Affirmed 9/1/95
#20 - Water Howellia	Amendment to add goals, objectives, and standards for conservation and recovery of water howellia, and to establish a Botanical Special Interest Area.	Adopted 8/2/96
#21 - Management Direction Related to Old- Growth Forests	Amendment of wildlife and vegetation goals, objectives, and standards related to management of old-growth forests.	DEIS 10/31/97 Adopted FEIS/ROD 1/4/99
#22 - Research Natural Areas	Regional Forester's decision to establish 18 RNAs and 2 Botanical SIAs on 6 National Forests. On the Flathead NF, the Swan River and LeBeau RNAs were established, and all 5 RNAs were assigned to MA-3A.	Adopted 7/29/97 Appealed Affirmed
Regional Guide Amendment - INFISH	Interim Strategies for Managing Fish-producing Watersheds in eastern Oregon and Washington, Idaho, western Montana, and portions of Nevada.	Adopted 7/28/95
#23 - Change the Management Area Designation for a Portion of the Coram Pasture	Amendment to change the management area designation for 10 acres of the Coram Pasture Administrative Site to allow for current use (utility corridor) and allow future consideration of a land exchange with Flathead County to establish a	Adopted 12/7/01

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Administrative Site	waste transfer site on 2-3 acres of the site.	
#24 – Winter Motorized Recreation Plan	Established a Winter Motorized Recreation Management Plan that clarifies where, when, and under what conditions over-snow vehicles are allowable on the Flathead NF and amends the Forest Plan to be consistent with this Management Plan.	Adopted 11/17/2006
Off-highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota and portions of South Dakota	The amendment eliminates wheeled motorized cross-country travel with a few specific exceptions.	Adopted 1/2001
The Northern Rockies Lynx Management Direction Final Environmental Impact Statement (FEIS)	Incorporates management direction into land management plans that conserves and promotes recovery of Canada lynx, by reducing or eliminating adverse effects from land management activities on national forest system lands, while preserving the overall multiple-use direction in existing plans.	Adopted 3/23/2007

In addition to the forest plan amendments described above, the Flathead has site-specifically amended the A19 standards in three project decisions (Moose Post Fire Project, Robert-Wedge Post Fire Project, West Side Reservoir Post Fire Project).

Litigation: The Flathead National Forest continues to be challenged in federal court on the majority of its decisions that involve implementing Amendment 19. Two local organizations (Swan View Coalition and Friends of the Wild Swan) have litigated or are currently litigating the Moose Post Fire Project, Robert-Wedge Post Fire Project, West Side Reservoir Post Fire Project, as well as the reconsultation of Amendment A19 and the Amendment 24 Decision to authorize the Winter Motorized Recreation Plan. Another local organization (Montanans for Multiple Use) has challenged the cumulative effects of the amendments to the Forest Plan as well as a failure to revise the forest plan. The forest has also been successful in litigation involving easement terms and a proposal to pave portions of Bug Creek Road in the Swan Lake area.

Evaluation: The 1986 Forest Plan was developed in response to the National Policy to provide for long term stewardship that included the following: demonstrated leadership in forest land conservation, providing public service and “providing the greatest good to the greatest number in the long run”. The ongoing implementation of land management activities under the current Forest Plan is still considered to be consistent with this underlying premise that guided the formulation of the Forest Plan in 1986.

The Flathead National Forest does continue to confront a number of difficult management issues by amending the plan where appropriate or implementing the current plan in the face of public opposition. This issue is most prevalent in the issues surrounding motorized access and grizzly bear habitat security. The forest has demonstrated leadership on these issues by carefully analyzing where motorized access is and is not appropriate. This has resulted in nearly 650 miles of road decommissioning since 1985. The specific relationship of the effects of this

decommissioning related to the present grizzly bear populations (estimated to be at least 765 grizzly bears) is unknown and will need specific research to better determine the benefits of these land management decisions. This management paradigm of providing for motorized access while continuing to ensure the recovery of the grizzly bear population has resulted in significant public controversy. As indicated above, this controversy has resulted in numerous lawsuits. Nonetheless, the forest continues to balance its responsibilities with respect to maintaining appropriate uses of National Forest System lands while ensuring its conservation responsibilities are achieved.

Of the seven lawsuits (Lost Johnny Snowmobile Bridge, Moose, Robt Wedge/West Side, Bug Creek, A19/A24, Meadow Smith, MFMU) filed during the period between 2000 and 2007, the forest has successfully defended its decisions in all but the Lost Johnny Snowmobile Bridge and the Moose case. In this Moose case, the 9th circuit ruled (01/06/2009) that the Moose Record of Decision (ROD) failed to articulate how the project complied with the Interagency Grizzly Bear Guidelines. The forest has subsequently remedied this issue by issuing a new ROD that addressed how the original decision complied with the IGBC guidelines. The access management decisions of the Robert Wedge/ West Side Reservoir Post Fire Project RODs as well as the re-consultation on A19 and the ROD for Amendment 24 continue to be litigated in the 9th circuit court of appeals.

Recommended Actions:

The forest should continue to implement site specific management actions to address appropriate uses of National Forest System Lands while continuing to play an active leadership role in the conservation efforts for threatened and endangered species. The forest should continue its efforts to revise the current forest plan to better articulate the desired conditions with respect to motorized access and grizzly bear habitat objectives.